



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
NOVEMBER 2, 2021 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:00 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 5:00 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker, Mayor Pro Tem / Vice Chair Dunlap, Council / Agency Members Jung, Silva, Zahra (arrived 5:03 p.m.)

Absent: None

Staff Present: Acting Deputy City Manager Jeff Collier, City Attorney Richard D. Jones, City Clerk Lucinda Williams

PUBLIC COMMENTS - Closed Session

None.

5:03 p.m.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 5:03 p.m.

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8

Property: 500, 510 and 512 Harbor Boulevard, Fullerton, California (APNs 009-032-20 and 009-032-21)

Agency Negotiator: Acting City Manager Steve Danley

Negotiating Parties: Dripp, Inc. and Fullerton Historic Theater Foundation

Under Negotiations: Terms

2. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representatives: Eddie Manfro and Jay Trinnaman

Employee Organizations: Fullerton Firefighters' Association, Fullerton Fire Management Association, Fullerton Municipal Employees Federation

Under Discussion: Parameters of authority for negotiating salaries, benefits and working conditions

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)

Significant Exposure to Litigation: One Case

5:57 p.m.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 5:57 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
NOVEMBER 2, 2021 – 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:30 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 6:30 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker, Mayor Pro Tem / Vice Chair Dunlap, Council / Agency Members Jung, Silva, Zahra

Absent: None

Staff Present: Acting Deputy City Manager Jeff Collier, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Police Chief Robert Dunn, Fire Marshal Kathy Schaefer, Interim Director of Community and Economic Development Greg Pfost

INVOCATION given by given by Dan Crane, Fullerton Free Church.

PLEDGE OF ALLEGIANCE led by Mayor Pro Tem Dunlap.

CLOSED SESSION REPORT

City Attorney Jones reported that Dunlap moved, seconded by Zahra, to enter into a settlement agreement for case DJ 204-12c-486 US AO #2017b02117 – Fullerton Transportation Center, addressing ADA issues. Motion unanimously carried.

EX PARTE COMMUNICATIONS REPORT

Council Member Jung reported he met with an OCEA representative.

PRESENTATIONS

None.

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Todd Harrison, Fullerton, spoke about Rancho La Paz residents.
- Maureen Milton spoke in support of Consent Calendar Item 2.
- Bernard Oh, Fullerton, spoke about the composition of the Redistricting Advisory Committee.

The following addressed City Council via Zoom:

- Jane Reifer asked to pull Consent Calendar items.
- Jacob Britton encouraged City Council to apply for grants to fund the navigation center.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Council Member Jung reported on the Cal Cities Annual Conference and spoke about a new suicide prevention number, drought conditions, water issues and good governance.

Council Member Zahra recognized staff for organizing the Trunk or Treat event.

Mayor Whitaker agendized a resolution regarding HR 2467 for the next City Council meeting and spoke about Veteran's Day.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 – 14)

Jung moved, seconded by Dunlap, to approve Consent Calendar Items 1, 2, 3, 4, 6, 7, 8, 9, 10 and 13.

Motion carried 5 – 0.

Approved

1. OCTOBER 19, 2021 MEETING MINUTES

Recommendation:

Approve October 19, 2021 City Council / Successor Agency Meeting Minutes.

Adopted

2. AB 361 CONTINUING STATE OF EMERGENCY DETERMINATION TO HOLD REMOTE LEGISLATIVE BODY MEETINGS

Recommendation:Recommendation:

Adopt Resolution No. 2021-82.

RESOLUTION NO 2021-82 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MAKING THE CONTINUED DETERMINATION OF LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE "TELEPHONIC" MEETINGS DURING THE STATE OF EMERGENCY

Adopted

3. HIGHLAND AND VALENCIA MIXED-USE DEVELOPMENT PROJECT (CASA BELLA) LOCATED AT 415 SOUTH HIGHLAND AVENUE - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3304.

ORDINANCE NO. 3304 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA APPROVING A ZONING AMENDMENT TO CHANGE THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL (G-C) TO CENTRAL BUSINESS DISTRICT COMMERCIAL (C-3) ON A 0.56-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF HIGHLAND AVENUE AND VALENCIA DRIVE

Adopted

4. FREEWAY-ORIENTED ELECTRONIC BILLBOARD LOCATED AT 1210 BURTON STREET DEVELOPMENT AGREEMENT - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3305.

ORDINANCE NO. 3305 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD TO PROVIDE THE PROJECT APPLICANT AND THE CITY OF FULLERTON CERTAIN ASSURANCES WITH RESPECT TO PROJECT APPROVALS AND OBLIGATIONS

Not discussed

5. CLASSIFICATION PLAN UPDATE RELATING TO ADMINISTRATIVE AIDE / CITY COUNCIL POSITION_

Not discussed.

Adopted

6. FULLERTON COMMUNITY CENTER GYMNASIUM AND FULLERTON TENNIS CENTER PROPOSED FEE CHANGES

Recommendation:

Adopt Resolution No. 2021-85.

RESOLUTION NO. 2021-85 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MODIFYING CERTAIN FEES FOR FISCAL YEAR 2021-22

Approved

7. 2021 BULLETPROOF VEST PARTNERSHIP GRANT FUNDS

Recommendation:

Accept 2021 Bulletproof Vest Partnership Grant funds and increase Police Department Fund 32 allocations by \$3,910.54.

Approved

8. HOME INVESTMENT PARTNERSHIPS - AMERICAN RESCUE PLAN FUNDING

Recommendation:

Accept the U.S. Department of Housing and Urban Development HOME Investment Partnerships - American Rescue Plan Act of 2021 allocation and appropriate receipt of funds.

Approved

9. LAGUNA LAKE CAPITAL IMPROVEMENT PROJECT BUDGET APPROPRIATION REQUEST

Recommendation:

Appropriate \$77,735.30 in Project 54043 Laguna Lake ADA Improvements Project (Project 54043) and authorize necessary budget and accounting transfers and adjustments.

Approved

10. STORMWATER COST OF SERVICE / SANITATION CHARGE FEE REVIEW - CONSULTANT CONTRACT AWARD

Recommendation:

1. Approve agreement with SCI Consulting Group for Stormwater Cost of Service (Sanitation Charge) Review.
2. Appropriate \$204,321 in the Sanitation Fund (Fund 23).
3. Authorize Acting City Manager, or designee, to execute the agreement and any necessary related documents, including amendments, subject City Attorney review.

Approved

13. HUNT LIBRARY ROOF REPLACEMENT PROJECT

Recommendation:

1. Approve plans and specifications for the Hunt Library Roof Replacement Project.
2. Award \$443,874 construction contract for the Hunt Library Roof Replacement Project to Vincor Construction, Inc., in a form approved by the City Attorney.

3. Authorize Public Works Director to approve any future change orders for construction, within the approved project budget.

PUBLIC HEARINGS (Item 15)

Referred to Planning
Commission

15. THE HUB STUDENT-ORIENTED HOUSING DEVELOPMENT PROJECT LOCATED AT 2601, 2701 AND 2751 EAST CHAPMAN AVENUE

Mayor Whitaker opened the public hearing at 7:26 p.m.

The applicant addressed City Council.

The following made public comments:

- Cameron Irons spoke in support of this item.
- Jeff Koskela questioned the projected car usage for this project.
- Jaymes Dunsmore, People for Housing, spoke in support of this item.
- Noah Ayoub spoke in support of this item.
- Janet Whitehead expressed concerns with traffic impacts associated with this project.
- Maureen Milton, Fullerton, spoke about housing for the mobility challenged.
- Sean Paden, Fullerton, preferred the alternative plan but did not think it was adequate.
- Jane Sylvester, Fullerton, spoke in opposition to this project.
- Jenny Matti, Fullerton, spoke in opposition to this project.
- Rosio Lopez spoke in support of a project that addresses housing for the elderly.
- Boris Presley, Contractors Cooperation Committee, spoke about contractor work conditions.
- Scott Hess, Fullerton, recommended continuing this item and asking the applicant to redesign the project.
- Curtis Gamble spoke in support of this item.
- Greg Giemont, Fullerton, expressed concerns with parking.

The following addressed City Council via Zoom:

- Jane Rands, Fullerton, asked questions about the parking management plan, affordable housing and active transportation impacts.
- Jane Reifier spoke in opposition to this project.

- Andrew Meling, Southwest Regional Carpenters, spoke in support of this project if it includes a local hire component.

Mayor Whitaker closed the public hearing at 8:37 p.m.

Dunlap moved, seconded by Jung, to send this item back to the Planning Commission to address concerns raised at this meeting.

Motion carried 5 – 0.

REGULAR BUSINESS (Items 16 - 20)

Adopted

16. CFD NO. 1 (AMERIGE HEIGHTS) - ISSUANCE AND SALE OF SPECIAL TAX REFUNDING BONDS AND RELATED DOCUMENTS AND ACTIONS

Dunlap moved, seconded by Silva to adopt Resolution No. 2021-86.

RESOLUTION NO. 2021-86 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL TAX REFUNDING BONDS AND APPROVING RELATED DOCUMENTS AND ACTIONS

Motion carried 5 – 0.

Feedback provided

17. PLANNING AND IMPLEMENTATION EFFORTS RELATED TO SENATE BILL 1383, SHORT-LIVED CLIMATE POLLUTANTS

The following made public comments:

- Maureen Milton spoke about information provided on the City's government access channel.

The following addressed City Council via Zoom:

- Jane Rands suggested taking this opportunity to find rate savings for bill payers and impose penalties on the hauler for missed pickups.

City Council provided feedback on specific staff recommendations for compliance options related to SB 1383.

Direction provided

18. UNION PACIFIC PARK RIGHT OF WAY PARCELS AND TRAIL

The following made public comments:

- Todd Harrison, Fullerton, spoke in support of adding trails and parks in this part of town.
- Jesse Jones, Center for Healthy Neighborhoods, spoke in support of the Union Pacific trail.

- Egleth Nuncci, Fullerton, spoke support of the current, grant-funded plans for this property.
- Carla Augilo spoke in support of the planned trails in this neighborhood.
- Veronica Moran spoke in support of the grant-funded trails.
- Rosila Lopez spoke in support of the trails planned for this neighborhood.
- Alma Villices spoke in support of the trails planned for this neighborhood.
- Pilar Maldonado, Fullerton, spoke in support of the trails planned for this neighborhood.
- Curt Johnston spoke in support of walking and bicycle trails and suggested building a skateboard park at the UP Park property.
- Curtis Gamble spoke in support of building trails.
- Bernard Oh, Fullerton, spoke in support of the trails planned for this neighborhood.

The following addressed City Council via Zoom:

- Tony Bushala thinks there is a better option for this right-of-way property.

Silva moved, seconded by Dunlap, to issue an RFP for alternative uses of the Union Pacific Park right of way area that must include a trail and/or multimodal element in Phase 2.

Motion carried 4 – 1 (Opposed: Zahra).

Direction provided

19. CITY-OWNED BUILDING SPACE NEEDS ASSESSMENT

The following made public comments:

- Bernard Oh, Fullerton, suggested hiring more staff rather than a consultant.
- Curtis Gamble spoke in support of comfortable workspaces.

Jung moved, seconded by Dunlap, to seek proposals for a needs assessment.

Motion carried 4 – 1 (Opposed: Zahra).

20. FISCAL YEAR 2021-2022 BUDGET ADJUSTMENTS AND INITIAL ARPA DESIGNATION

The following made public comments:

- Todd Harrison, Fullerton, spoke in opposition to further budget cuts.

- Ilse Miranda spoke in support prioritizing funds for rental assistance, utility assistance, mental health, homelessness and code enforcement.
- Tony Package, Fullerton, encouraged City Council to complete the budget process.
- Sandra (no last name given) asked about code enforcement funding.
- Mireya (no last name given) asked to use ARPA funds for rental assistance and code enforcement.
- Rosilo Lopez spoke in support of code enforcement funding.
- Ed Vargas, FMEF President, spoke in support of city services.
- Kevin Nunez spoke in support of city services.
- Jenny Matti spoke in support of city employees.
- Jonathan Gonzales spoke against budget cuts.
- David Jones spoke in support of city services.
- Veronica Moran spoke in support of city services.
- Egleth Nuncci spoke in support of city services.
- Maureen Milton spoke in support city employees.
- Curtis Gamble said follow the law when using ARPA funds.
- Bernard Oh spoke against budget cuts.
- Curt Johnston suggested using ARPA funding for infrastructure.

The following addressed City Council via Zoom:

- Greg Sebourn supported using ARPA funds to backfill the reserves and pay for infrastructure.
- Jane Rands asked why the City doesn't fully staff positions funded with non-general funds and supported city staff.
- Sharon Kennedy supported city staffing and infrastructure.

Silva moved, seconded by Jung, to adopt Scenario 7 with a one percent cut and no current employee layoffs and City Council will discuss which seven positions to eliminate at a future meeting.

Dunlap made a substitute motion, seconded by Whitaker, to cut the budget by five percent and dedicate \$32M of ARPA funding to roads.

Substitute motion failed 2 – 3 (In favor: Dunlap, Whitaker).

Original motion failed 2 - 3 (In favor: Jung, Silva).

Silva moved, seconded by Zahra, to adopt Package B.

Jung made a substitute motion, seconded by Whitaker, to adopt Scenario 2 with a 2% cut and change the wording to dedicate funding for streets.

Substitute motion failed 2 – 3 (In favor: Jung, Whitaker).

Original motion failed 2 – 3 (In favor: Silva, Zahra).

ITEMS REMOVED FROM CONSENT CALENDAR (taken out of agenda order)

Approved

11. KIMBERLY AVENUE - ACACIA AVENUE TO STATE COLLEGE BOULEVARD WATER MAIN REPLACEMENT

The following addressed City Council via Zoom:

- Jane Reifer asked about the history of this project and if this work would cause water main breaks.

Dunlap moved, seconded by Zahra, to:

1. Approve plans and specifications for the Kimberly Avenue - Acacia Avenue to State College Boulevard Water Main Replacement Project.
2. Approve \$1,175,000 appropriation from Project 53250 Water Main System Replacement to Project 53038 Kimberly Avenue - Acacia Avenue to State College Boulevard Water Main Replacement Project (Fund 44).
3. Award \$956,500 construction contract for the Kimberly Avenue - Acacia Avenue to State College Boulevard Water Main Replacement Project to Big Ben, Inc. and authorize Acting City Manager, or designee, to execute the contract in a form approved by the City Attorney.
4. Authorize Public Works Director, or designee, to approve any future change orders for construction and professional engineering construction support services within the approved project budget.
5. Authorize Public Works Director, or designee, to terminate the construction contract and/or the project as determined in the best interest of the City. Direct staff to provide update to City Council if termination is required.

Motion carried 5 – 0.

Approved

12. AGREEMENT WITH GLC FULLERTON LLC FOR INDUSTRIAL LOGISTICS CENTER AT 2001 EAST ORANGETHORPE AVENUE (GOODMAN LOGISTICS CENTER FULLERTON) TO MODIFY DEVELOPER'S CATEGORY OF PUBLIC BENEFITS ASSOCIATED WITH

THE PROJECT

The following addressed City Council via Zoom:

- Jane Reifer asked questions about the project.

Dunlap moved, seconded by Zahra, to:

1. Direct City Attorney to develop an agreement with GLC Fullerton LLC that does not reduce the public benefit amounts associated with the Goodman Logistics Center Project located at 2001 East Orangethorpe Avenue but modifies the specific category of benefit.
2. Authorize Acting City Manager to execute the agreement and administer the agreement, in the form developed and approved by the City Attorney.

Motion carried 5 – 0.

Approved

14. ORANGETHORPE AVENUE - ACACIA AVENUE TO STATE COLLEGE BOULEVARD WATER MAIN REPLACEMENT

The following addressed City Council via Zoom:

- Jane Reifer asked questions about the project.

Dunlap moved, seconded by Zahra, to:

1. Approve plans and specifications for the Orangethorpe Avenue - Acacia Avenue to State College Boulevard Water Main Replacement Project.
2. Approve appropriation in Project 53037 Orangethorpe Avenue - Acacia Avenue to State College Boulevard Water Main Replacement Project in the following amounts:* Transfer \$1,710,000 Water Funds from Project 53250 Water Main System Replacement to Project 53037 Orangethorpe Avenue - Acacia Avenue to State College Boulevard Water Main Replacement Project (Fund 44).* Transfer \$60,000 Drainage Capital Outlay Funds from Project 52591 Annual Storm Drain Repair to Project 53037 Orangethorpe Avenue - Acacia Avenue to State College Boulevard Water Main Replacement Project (Fund 74).
3. Award \$1,413,450 construction contract for the Orangethorpe Avenue - Acacia Avenue to State College Boulevard Water Main Replacement Project to Bonadiman Water, Inc. and authorize the Acting City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
4. Authorize Public Works Director, or designee, to approve any future change orders for construction and professional engineering construction support services within the approved project budget.

5. Authorize Public Works Director, or designee, to terminate the construction contract and/or the project as determined in the best interest of the City. Staff to provide update to City Council if termination is required.

Motion carried 5 – 0.

11:47 p.m.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 11:47 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk